

# FEDERAL REGISTER

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OF THE UNITED STATES

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Washington, Saturday, February 5, 1938

## TREASURY DEPARTMENT.

### Bureau of Customs.

[T. D. 49377]

PROTEST FILED UNDER SECTION 516 (B), TARIFF ACT OF 1930,  
AGAINST LIQUIDATION OF AN ENTRY COVERING FRESH OR DRIED  
DATES

COLLECTORS OF CUSTOMS INSTRUCTED TO SUSPEND LIQUIDATION OF  
ENTRIES INVOLVED

### To Collectors of Customs and Others Concerned:

Reference is made to T. D. 49166 approved September 25, 1937,<sup>1</sup> published in the weekly Treasury Decisions, vol. 72, no. 14, of September 30, 1937, proclaiming the classification of and rate of duty imposed upon fresh or dried dates packed in the manner described in said treasury decision.

Publication of the above-mentioned decision was occasioned by a complaint with respect to the classification of and rate of duty imposed upon the merchandise described in T. D. 49166 filed, under section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516 (b)), by Van Dyk & Reeves, Inc., 167 41st Street, Brooklyn, New York, an American manufacturer, producer and wholesaler of such merchandise.

Notice of a desire to protest having been filed with the Secretary of the Treasury, and a protest having been filed with the collector of customs at Seattle, Wash., (No. 15618), against the liquidation on December 10, 1937, of Seattle warehouse entry no. 139, in form and substance as in the statute provided, pending the decision of the United States Customs Court on the protest in question collectors of customs will suspend the liquidation of all unliquidated entries covering fresh or dried dates packed in the manner described in T. D. 49166, imported or withdrawn from warehouse after the expiration of thirty days following the publication of T. D. 49166, and will comply in all respects, in connection with the liquidation or reliquidation of entries of such merchandise, with the provisions of section 516 of the Tariff Act of 1930.

[SEAL]

J. H. MOYLE,  
Commissioner of Customs.

Approved, February 1, 1938.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 38-376; Filed, February 3, 1938; 1:57 p. m.]

<sup>1</sup>2 F. R. 2347 (DI).

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 212]

AN ORDER MODIFYING ORDER NO. 97, AS MODIFIED BY ORDER NO. 136, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 9, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES TO BE KNOWN AS "SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 9"

The National Bituminous Coal Commission having by its Order No. 97, as modified by Order No. 136,<sup>1</sup> determined and established the minimum prices of coals of code members produced within District No. 9, as set forth in "Price Schedule No. 1—District No. 9", and "Supplement No. 1 to Price Schedule No. 1—District No. 9", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

- That the minimum prices of coals of code members produced within District No. 9, established in "Price Schedule No. 1—District No. 9", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 9", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 9", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 9, and shall be effective at 12:01 o'clock A. M., on the 12th day of February, 1938.

- That said Order No. 97, as modified by Order No. 136 and as modified herein, shall remain in full force and effect.

- That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 9 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards and to Code Members within District No. 9; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the

<sup>1</sup>2 F. R. 3051, 3270 (DI).



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Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

## SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1, DISTRICT NO. 9

### To All Code Members Within District No. 9:

Effective February 12, 1938, the following table shall be substituted for the table appearing in Price Schedule No. 1.

By order of the Commission.

Dated this 3rd day of February, 1938.

F. W. McCULLOUGH, Secretary.

## Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 18

Size groups	AA	A	B	Size groups	AA	A	B
1.....	235	238	216	9 t.....	206	166	155
2.....	226	226	216	10.....	196	156	156
3.....	216	216	216	11.....	186	146	146
4.....	206	206	191	12.....	171	136	136
5.....	236	196	196	13.....	181	146	146
6.....	226	176	176	14.....	111	76	76
7.....	226	176	176	15.....			
8.....	225	176	176	16.....	176	176	176

<sup>1</sup> 2" screenings of their respective preparation (Raw or Washed) shall be ten (10) cents per ton higher than the prices of the Size Groups 9 and 11.

<sup>3</sup> 3" screenings of their respective preparation (Raw or Washed) shall be twenty (20) cents per ton higher than the prices of the Size Groups 9 and 11.

*Important.—Exceptions are a part of these prices and must be complied with.*

[F. R. Doc. 38-380; Filed, February 4, 1938; 11:36 a. m.]

[Docket No. 176-FD]

## IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF HAMMERMILL PAPER COMPANY

### NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum price of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:

*Now, therefore, it is hereby ordered:*

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock, A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the

Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WICHTER McCULLOUGH, Secretary.

[F. R. Doc. 38-388; Filed, February 4, 1938; 11:38 a.m.]

[Docket No. 177-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF THE LOVELL MANUFACTURING COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-387; Filed, February 4, 1938; 11:38 p.m.]

[Docket No. 178-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF THE CONTINENTAL RUBBER COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumer's Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-386; Filed, February 4, 1938; 11:38 a.m.]

[Docket No. 179-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL ON BEHALF OF THE CITY OF ERIE, PENNSYLVANIA

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90 and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-385; Filed, February 4, 1938; 11:37 a.m.]

[Docket No. 180-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF THE UNION IRON WORKS

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90 and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-384; Filed, February 4, 1938; 11:37 a.m.]

[Docket No. 182-FD]

IN THE MATTER OF THE PETITION OF UNION COLLIERIES COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the

<sup>1</sup> 2 F. R. 3010, 3272, 3376, 3384 (DI); 3 F. R. 100, 136, 138, 276 (DI).

<sup>1</sup> 2 F. R. 3010, 3272, 3376, 3384 (DI); 3 F. R. 100, 136, 138, 276 (DI).

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minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for District No. 2; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-383; Filed, February 4, 1938; 11:37 a. m.]

[Docket No. 183-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF THE SCHOOL DISTRICT OF THE CITY OF ERIE, PENNSYLVANIA

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-382; Filed, February 4, 1938; 11:37 a. m.]

[Docket No. 274-FD]

IN THE MATTER OF THE PETITION OF JOHN CARSON, AS CONSUMERS' COUNSEL, ON BEHALF OF THE RUBEROID COMPANY

NOTICE OF HEARING

A petition having been filed with this Commission by the petitioner above named alleging dissatisfaction with the minimum prices of coals of code members produced within District No. 2, as established by Commission's Order No. 90, and orders supplemental thereto:<sup>1</sup>

Now, therefore, it is hereby ordered:

1. That the above entitled proceeding is assigned for hearing on February 8, 1938, at 10:00 o'clock A. M. at the Hearing Room of the Commission in Washington, D. C., when opportunity will be afforded interested parties to be heard.

2. A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

3. The Secretary of the Commission is directed forthwith to mail a copy of this notice to the petitioner above named; to the Consumers' Counsel; to the Secretary of District Board for District No. 2, and to each code member in said District; and shall cause a copy hereof to be filed and made available for inspection at the Statistical Bureau of the Commission for the aforesaid District; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 3rd day of February, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-381; Filed, February 4, 1938; 11:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-65 O-65]

NOTICE OF HEARING—PROPOSED MARKETING AGREEMENT AND ORDER REGULATING SHIPPING OF FRESH PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN STATE OF CALIFORNIA

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended,<sup>1</sup> of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the shipping in interstate and foreign commerce, and such shipping as directly burdens, obstructs, or affects interstate or foreign commerce, of fresh pears, plums, and Elberta peaches grown in the State of California;

Now, therefore, pursuant to the said act and said general regulations notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such shipping of fresh pears, plums, and Elberta peaches grown in the State of California in the Chamber of Commerce Auditorium, 917 Seventh Street, Sacramento, California, on February 21, 1938, at 9:30 a. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such shipping in interstate and foreign commerce, and such shipping as directly burdens, obstructs, or affects interstate or foreign commerce, of fresh pears, plums, and Elberta peaches grown in the State of California. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Committee, (b) establishment of commodity committees, (c) reserve pool for fall and winter pears, (d) prohibition of unfair trade practices incident to marketing of Elberta peaches, (e) grade and size regulation of shipments, (f) expenses of administration, and other matters relating to the shipping of fresh pears, plums and Elberta peaches grown in the State of California.

<sup>1</sup> 2 F. R. 3010, 3272, 3376, 3384 (DI); 3 F. R. 100, 136, 138, 276 (DI).

<sup>1</sup> 1 F. R. 155.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

Dated February 4, 1938.

[F. R. Doc. 38-391; Filed, February 4, 1938; 12:39 p.m.]

## Bureau of Animal Industry.

FEBRUARY 3, 1938.

## NOTICE

To DEAN SULLIVAN AND JOHN W. SMEED, doing business as Nampa Livestock Commission Company, Nampa, Idaho.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Nampa Livestock Commission Company, at Nampa, State of Idaho, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-390; Filed, February 4, 1938; 12:39 p.m.]

## FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of February, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2849]

IN THE MATTER OF PRENDERGAST-DAVIES COMPANY, LTD., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, February 10, 1938, at two o'clock in the afternoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-377; Filed, February 4, 1938; 9:55 a. m.]

## INTERSTATE COMMERCE COMMISSION.

## ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 27th day of January, A. D. 1938.

The matter of accounting for revenues from trains operated for the joint benefit of two or more carriers being under consideration:

*It is ordered*, That Accounting Bulletin No. 15, Interpretations of Accounting Classifications, prescribed by the Interstate Commerce Commission for Steam Roads, effective January 1, 1918, be and it is hereby amended by the addition of the following:

## CASE 297

Query: If the revenue from tickets lifted on each pooled passenger train is not readily determinable is it permissible under the provisions of special instructions in operating expenses, section 9, "Joint facility accounts," for each carrier to include in account 102, "Passenger," the revenue from the sales of its tickets applicable to the service of the joint trains and to account for the difference between the revenue thus accrued and the amount of revenue accruing under the joint facility arrangement in accounts 151, "Joint facility—Cr.," and 152, "Joint facility—Dr.,"?

Answer: It is.

By the Commission, division 4.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 38-389; Filed, February 4, 1938; 12:24 p.m.]

## SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 1st day of February, 1938.

[File No. 1-742]

IN THE MATTER OF THE NEW YORK, CHICAGO & ST. LOUIS RAILROAD COMPANY FIRST MORTGAGE 4% BONDS, DUE OCTOBER 1, 1937

## ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the First Mortgage 4% Bonds, due October 1, 1937, of The New York, Chicago & St. Louis Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

\*2 F. R. 3197 (DI).

## FEDERAL REGISTER, Saturday, February 5, 1938

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered.* That said application be and the same is hereby granted, effective at the close of the trading session on February 11, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-378; Filed, February 4, 1938; 10:38 a. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of February, 1938.

[File No. 1-2949]

IN THE MATTER OF KNUDSEN CREAMERY COMPANY OF CALIFORNIA \$1.50 CUMULATIVE CLASS "A" COMMON SHARES, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Knudsen Creamery Company of California, pursuant to Section 12 (d) of the Securities Exchange Act of 1934,

as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its \$1.50 Cumulative Class "A" Common Shares, No Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered.* That the matter be set down for hearing at 10:00 o'clock A. M. on Thursday, February 24, 1938, at 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

*It is further ordered.* That Howard A. Judy and Charles R. Burr, or either of them, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-379; Filed, February 4, 1938; 10:53 a. m.]